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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

- (A) A high level of public trust in the Austin Police Department (APD) is crucial to public safety and the wellbeing of the residents of Austin, as well as to the effective operations of APD.
- (B) Public confidence in the internal administrative processes by which APD investigates alleged police officer misconduct, and an appropriate level of public transparency in such processes, are important to maintaining this high level of public trust in APD.
- (C) An additional oversight function within the city government and outside of APD enhances the city manager's ability to oversee and direct the operations of APD.
- (D) An additional oversight function within the city government and outside of APD increases public trust in APD, enhances the integrity of APD's internal investigative processes, and provides transparency to the public about these processes and their outcomes.
- (E) Any oversight function involving APD's administrative investigation processes must protect the privacy rights of both APD officers and residents of Austin, and must comply with the requirements of applicable laws.

CHAPTER 2-15: POLICE OVERSIGHT

(A) In this chapter:

- 40 (1) ANONYMOUS COMPLAINT means a complaint in which the
41 identity of the complainant is unknown, or the complainant
42 wishes to remain unknown.
43
44 (2) COMPLAINT means a verbal or written communication
45 alleging that an officer may have violated a civil service rule
46 established by the City of Austin Firefighters', Police Officers'
47 and Emergency Medical Services Personnel's Civil Service
48 Commission.
49
50 (3) COMPLAINANT means a person alleging to be the victim of
51 police misconduct in a complaint.
52
53 (4) DEPARTMENT means the Austin Police Department.
54
55 (5) DIRECTOR means the director of the Office of Police Oversight
56 established in section 2 of this chapter.
57
58 (6) DISCIPLINE means a disciplinary suspension, demotion,
59 uncompensated duty, written or oral reprimand, education-based
60 discipline, or any combination of those actions.
61
62 (7) INVESTIGATION means an administrative review of a
63 complaint conducted by the department or other investigator in
64 accord with Texas Local Government Code Chapter 143.
65
66 (8) OFFICER means a commissioned police officer employed by the
67 Austin Police Department.
68
69 (9) OFFICE means the Office of Police Oversight established in
70 section 2 of this chapter.
71

72 **§2-15-2 THE OFFICE OF POLICE OVERSIGHT.**
73

- 74 (A) The Office of Police Oversight is created as an administrative department
75 and shall report to the city manager.
76
77 (B) The office shall:
78

- 79 (1) advise the city manager on the processes and results of
80 investigations involving officers, and any other activities of the
81 department as directed by the city manager;
82
83 (2) advise the city manager on the effectiveness and appropriateness
84 of the department's policies and procedures concerning
85 complaints of police officer misconduct, police officer training,
86 use of force by police officers, community relations, and any other
87 activities of the department as directed by the city manager;
88
89 (3) receive complaints, including anonymous complaints, from the
90 public concerning the conduct of police officers;
91
92 (4) serve as a liaison between complainants and the department during
93 investigations of complaints;
94
95 (5) participate as an observer during investigations of complaints as
96 determined by the police monitor;
97
98 (6) make recommendations to the police chief concerning discipline
99 based on the investigation of complaints and department policies;
100
101 (7) address other department activities of public concern as directed
102 by the city manager;
103
104 (8) report at least annually to the public on the results of its activities;
105 and
106
107 (9) report annually to the council on the results of its activities.
108

109 (C) Personnel in the office shall:

- 110
111 (1) have access to department personnel and to records of the
112 department, including records concerning investigations,
113 necessary to carry out the responsibilities in part (B) of this
114 section; and
115
116 (2) not disclose information received from the department except as
117 may be permissible under Chapter 143 of the Texas Local

Government Code and Chapter 552 of the Texas Government Code.

(D) The city manager shall appoint the director, who shall supervise and direct all activities of the office.

PART 3. This ordinance takes effect on _____.

PASSED AND APPROVED:

_____, 2018 § _____
Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____
Anne L. Morgan Jannette S. Goodall
City Attorney City Clerk